

REMARKS

Claims 1-6, 9-14, 16 and 18-20 were rejected under 35 USC 102(e) as being anticipated by Colmenarez et al (US 6,931,147) Claims 7 and 8 were rejected under 35 USC 103(a) as being unpatentable over Colmenarez et al in view of Philomin et al (US 2003/0081834) Claims 5 and 17 were rejected under 35 USC 103(a) as being unpatentable over Colmenarez et al in view of Strubbe et al (US 6,795,808)

By this amendment, claim 1 has been cancelled and new claims 21 and 22 has been added. Claims 9-20 have also been cancelled and claims 2-8 have been amended.

New claim 21 includes the feature of measuring the reaction of a particular user to a plurality of displayed images to determine a degree of importance of each of the plurality of images. The degree of importance is stored as metadata which is used to retrieve at least one stored digital image of importance to the particular user.

The Examiner has previously rejected the claims in this application citing Colmenarez et al. As set forth in paragraph 1 and paragraph 2, an image of a viewer in step 105 is captured, in step 115 the facial expression of the viewer is provided to a pattern recognition to determine the mood of a viewer (see step 125). The thrust of this patent is to change the mood of the viewer. So at step 135 a set of photos is retrieved and displayed that have been used to cause a mood change in a large percentage of past viewers. In the particular described example, the user is determined to be sad and pictures are intended to change the mood from sadness to happiness. At step 165 the set of photos is updated to obtain a modified set of photos using a feedback mechanism. The modified set is stored as a virtual photo album.

Turning now to claim 21, it is believed that there are significant differences in the subject matter of claim 21 than disclosed or suggested by Colmenarez et al. In particular, claim 21 includes the feature of measuring the reaction of a particular user to a plurality of displayed images to determine a degree of importance of each of the plurality of images. The degree of importance is stored as metadata which is used to retrieve at least one stored

digital image of importance to the particular user. It should be noted that claim 21 is directed to retrieval of an important image for a particular user and not for annotating a mood changing collection. There is no suggestion in Colmenarez et al that the mood changing collection of images is of any importance to the user. Colmenarez et al is not concerned with retrieval of images of importance to a user. There is no suggestion in Colmenarez et al or in any of the other cited references for the subject matter of claim 21. Since claim 21 is the only independent claim in this application, it should be allowable and its depend claims should also be allowable.

Fig. 5 of the present application and the associated text disclose how the importance of images can be determined. In new claim 22, this feature is further specified.

For completeness of reply, Applicants' provide the following comments with respect to the art used to reject the dependent claims. The arguments set forth above continue to apply.

Philomin et al. fails to show or suggest the features of new claim 21. Philomin et al. analyzes the data from observation unit 12 to determine if there is a match between the observed behavior and a predetermined facial expression. Philomin et al. uses facial expressions to adjust the electrical power supplied to electrical devices such as a fan provided in the room where the images are viewed. However, there is no motivation or suggestion in Philomin et al. in combination with Colmenarez et al to suggest or teach one skilled in the art to measure the reaction of a particular user as a plurality of stored digital images is displayed in order to determine a degree of importance.

Thus, for at least the reasons described above, Applicants respectfully submit that Philomin et al. fails to show or suggest Applicants' claimed invention as set forth in independent claim 21.

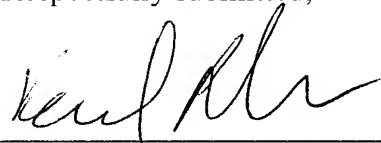
Strubbe et al. relates to an interaction simulator which interacts with a user by posing questions based upon the facial expression of the user. For example, in col. 7, line 27 et seq., an inter action simulator provides inter action between the user and the simulator by automatically adapting itself to a particular user. The simulator can extract likes and dislikes from dialogues which are stored

in the database. However, there is no motivation or suggestion in Stubbe et al. in combination with Colmenarez et al to suggest or teach one skilled in the art to measure the reaction of a particular user as a plurality of stored digital images is displayed in order to determine a degree of importance.

It is believed that these changes now make the claims clear and definite and, if there were any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed that none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Raymond L. Owens', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.